

## **REMARKS**

Reconsideration of the present application is requested. Claims 1-8 and 10-22 are currently pending. Claims 3, 4 and 10-22 have been withdrawn from consideration. Claims 1, 2 and 5-8 are currently under examination.

### **PRIOR ART REJECTION**

#### **Rejection Under 35 U.S.C. § 102**

The Examiner rejects claims 1-2 and 5-8 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,503,794 ("*Watanabe*"). This rejection is respectfully traversed.

The semiconductor device of claim 1 requires, *inter alia*, "a second insulating layer formed on the first insulating layer, the first metal wiring being arranged entirely in the second insulating layer."

In rejecting claim 1 as anticipated by *Watanabe*, the Examiner relies upon *Watanabe*'s metal contact 31 to allegedly teach the "first metal wiring," *Watanabe*'s insulating layer 18 to allegedly teach "first insulating layer," and *Watanabe*'s second insulating layer 23, 28, 33 and 37 to allegedly teach the "second insulating layer," of claim 1. Contrary to the "first metal wiring," of claim 1, however, the metal contact 31 of *Watanabe* extends into the insulating layer 18. Thus, the metal contact 31 does not constitute the "first metal wiring," of claim 1 because the metal contact 31 is not "arranged entirely in," the Examiner's alleged second insulating layer 23, 28, 33 and 37. For at least this reason, claim 1 is patentable over *Watanabe*. Claims 2 and 5-8 are

patentable over *Watanabe* at least by virtue of their dependency from allowable claim 1.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each claim in connection with the present application is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By \_\_\_\_\_

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